DOCUMENT RESUME

ED 341 435 JC 920 096

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TITLE State Legislation and State-Level Public Policy Affecting Community, Junior, and Two-Year Technical College Education, 1989. A Report to the National Council of State Directors of Community and Junior Colleges (NCSDCJC).
INSTITUTION Pennsylvania State Univ., University Park. Center for the Study of Higher Education.
PUB DATE Oct 91
NOTE 50p.
PUB TYPE Reports - Research/Technical (143)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Administrator Attitudes; College Administration; College Programs; *Community Colleges; Educational Finance; *Educational Legislation; *Educational Trends; National Surveys; Public Policy; School Personnel; *State Legislation; Tables (Data); Technical Institutes; Trend Analysis; *Two Year Colleges

ABSTRACT

Since 1975, the Center for the Study of Higher Education and the National Council of State Directors of Community and Junior Colleges have cooperated in an annual study to identify and analyze pertinent state legislation affecting two-year colleges throughout the United States, to examine the issues which attract public policy action and attention, and to identify trends. An analysis of 1989 legislation, based on information provided by officials in 36 states and the District of Columbia, revealed the following: (1) the 37 respondents reported a total of 1,063 pieces of legislation affecting the two-year institutions, with a range from one piece in Idaho, Indiana, and Massachusetts to 169 pieces in California; (2) 60.6% of the proposed 1989 legislation was enacted, and 35% were pending; (3) common areas of legislative concern were finance, administration, personnel, students, and academic programs; (4) an increase in academic program-related legislation along with a decrease in the administration and finance issues was evident in items considered in 1989; and (5) similarity among topics of legislation across state lines suggested considerable cross-state communication among state-level public policy makers. The report includes tables on legislation introduced by state and by topic area. (JMC)

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S. V. Martorana
Peter H. Garland

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Acknowledgements

A report of this magnitude, touching on the activities of each of the states and territories, is a considerable job and one that is ultimately the work of many, and dependent on the cooperation of still more. It is the level of cooperation among state directors that is most satisfying from year to year. As such, we remain particularly indebted to the state officials who make up the National Council of State Directors of Community and Junior Colleges and their staffs who provide the legislation and policy documents for the report each year.

Once received, it is the co-authors who, using a design that provides for both consistency for determining trends over time and for identifying new developments, analyze, interpret, and report the hundreds of actions undertaken by state legislatures each year. The co-authors have been a team on this project since the 1983 report, while S. V. Martorana began the present series of compilation, analysis, and annual reports co-authored with others, fifteen years ago. Joining the team for the current report is Gregory A. Moyer, a doctoral student in the higher education program. He deserves special thanks for adding his skills and insights to the project.

Finally, there are those who provide the secretarial and clerical support that is absolutely essential for a successful writing and publishing endeavor. Sally Kelley in the Center for the Study of Higher Education at The Pennsylvania State Universities continues to provide the key assistance for which we are deeply grateful.

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Foreword

The level of state interest in community college education continues to grow. This is amply demonstrated in the number and range of state actions of importance to community, junior, and technical colleges. This report is the latest of a series focusing on the state policy environment for community college education which documents key public state policy actions and their implications for community, junior, and two-year technical colleges. As such, it stands alone among resources available to leadership in community college education in its exploration of state involvement, across our states and territories, in this important segment of postsecondary education.

Employing a consistent data collection approach and analytic scheme for reporting over the past fifteen years, the series gives foundation to a unique understanding of state policy attention to community college education. In fact S. V. Martorana the senior author of this report, while based in several governmental and university locations, can trace over forty years of efforts to the cataloguing, analysis, and reporting of state legislative activity of importance to community, junior, and two-year technical colleges. For the past fifteen years, the Center for the Study of Higher Education at The Pennsylvania State University in cooperation with the National Council of State Directors of Community and Junior Colleges (NCSDCJC) has carried forward the national study of the public policy environment in which community college education operates. Recently, the American Association of Community and Junior Colleges (AACJC) joined these groups by encouraging the authors to report, on a periodic basis, key state policy trends and related commentary in a column for the The Community, Technical, and Junior Colleges Times, the Association's newspaper publication. These articles provide more frequent continuing and timely information for community college leaders to augment the lengthier annual reports published and distributed by the Center. With Dr.

Martorana's retirement from the Center, Dr. Peter H. Garland, Faculty Associate, who has co-authored the last five of the series, will assume leadership for its conduct and direction. He is being joined in the project by Dr. Robert M. Hendrickson, who is also a Faculty Associate of the Center and is Professor of Education and Professor-in-Charge of the Higher Education Program at The Pennsylvania State University.

The current report explores the level of legislative activity, subtle shifts in the topics of legislative attention, identifies emerging trends, and reports on a survey of state directors and their observations about emerging public policy issues in the states. The authors' contention continues to be that growing interest in legislative activity and sophistication in legislative monitoring argues for stronger collective action aimed at improving the understanding of and practice of legislative action among community college leaders. They continue also the call for joint efforts of AACJC, NCSDCJC, the Association of Community College Trustees (ACCT) which incorporates the information and insights provided by the annual additions to this report series. Such collective action could help materially to further prepare the leaders of our nation's two-year colleges for the challenges in the state arena in the years to come, a matter of high concern among all involved in the "community college movement" in its current context.

James L. Ratcliff, Director
Center for the Study of Higher Education
The Pennsylvania State University

CHAPTER I

HIGHLIGHTS OF REPORT ON 1989 SESSIONS

* * * Two-thirds (37) of the 55 political jurisdictions of the nation contacted (50 states, District of Columbia, 4 U.S. territories) responded to requests for 1989 legislation information; 33 reported actions taken.

* * * The decline in activity observed in our report on 1988 sessions over earlier year's activity, was reversed in a return to legislative activity levels noted in 1987. The level of activity in 1989 was almost double that of 1988: 1,063 pieces of legislation were reported for 1989, compared to 537 pieces reported for 1988. State offices responsible for community, junior, and two-year technical colleges, as well as leaders of community college education in other settings, particularly presidents and trustees of individual colleges need, therefore, to maintain a close surveillance of activity every legislative year.

* * * Because of the clear growth of state governmental influence on community college policy direction, the call for action by interested leadership groups (AACJC, ACCT, NCSDCJC) is renewed at the end of this report.

* * * Most legislative proposals that reach the attention of the legislature, that is, reported out of committee, are enacted. Sixty point six percent of legislation proposed in 1989 was passed; about four percent failed, with more than a third (35.0%) of pieces in a pending status at the time work on this report was closed.

* * * The level of legislative activity varies widely among states reporting legislative action; the range among the 37 states reporting legislation during 1989 was from one piece (Idaho, Massachusetts) to 169 (California) pieces; the average was 32.2 pieces of legislation.

* * * Patterns of topics on which state legislation focused vary somewhat from state to state, but common concentrations of concern continue to be highest on the topical areas of finance, administration, personnel, students, and academic programs. Physical facilities and institutional growth this year were again topical areas relatively lowest in levels of activity reported.

* * * Similarity among topics of legislative concern across state lines suggest considerable cross-state communication among state-level public policy makers, a phenomenon meriting more notice by state directors and other interested leaders. States not only cluster around particular topics but also show a "copycat" pattern of dealing with them when their enactments on a particular topic collectively are examined over time.

* * * Governance remains an important area of activity generating small but significant amounts of legislation. Seven states enacted legislation to change governance structures, or substantially modifying governance, mission, and academic policies.

* * * An increase in academic program-related legislation along with a decrease in the administration and finance issues is evident in items considered in 1989, with more legislation in the former area found focusing on special programs, curricula, and certification.

* * * Issues of interest gaining the attention of public policymakers are wide ranging. The concentrations of interests in vocational-technical education, cooperation and articulation, and competition for students may prove to be bellwethers of increased legislative activity.

CHAPTER II

BACKGROUND, PROCEDURES, COVERAGE OF JURISDICTIONS

Background

Since 1975, the Center for the Study of Higher Education at The Pennsylvania State University, and the National Council of State Directors of Community and Junior Colleges have cooperated on an annual survey and review of state legislation affecting community college education. For our purposes, this is broadly defined as that sphere of the American post high school educational enterprise encompassed by a primary concern for effective academic service to students and the community short of upper-division collegiate preparation for the bachelor's degree and the professions; included are all kinds of institutions highly committed to serving a particular local area or region of a state and offering programs leading to an associate degree as the highest academic award granted. Results of the study are presented in an annual report to the Council, and this is the sixteenth in the series.

The annual survey and report seek to accomplish two purposes in service to both state directors and other leaders of community-based institutions at the local and regional level. One goal is to identify and analyze pertinent state legislation affecting community, junior, and two-year technical colleges throughout the United States, to investigate into the nature of issues which attract public policy action and attention, and to identify trends in those observations as the annual studies are reported. The second broad objective is to extend the analytic inquiry to help develop better understanding of the framework of public policy within which community colleges and related institutions must operate and of the process through which this takes place. This is done in several ways. The main focus of this project is on trends in enactment of real law as opposed to case law affecting community college education. Several years ago, however, we began to include in our call for data from the states a request for reports on any court cases considered by the state directors to be significantly bearing on the legal status of community college education in their state. When such are reported a separate section of this

report is devoted to renew and comment. In addition, each year we ask for field comment on current or developing issues believed to have implications for the policy direction of institutions involved in community college education.

This report covers the major findings emerging from the analysis of the state data performed by the co-authors covering the 1989 legislative sessions, a review of court cases decided in that year, and a targeted inquiry into emerging public policy issues as perceived by the state directors themselves from the vantage places they hold in their respective jurisdictions. In reporting these matters, we will highlight several trends which can be noted by relating the 1989 findings to ones found in the preceding annual studies. Basic information for the report was requested of state officials in each of the 50 states, Puerto Rico, and several territories of the United States, and the District of Columbia.

Procedures

Data collection and analysis procedures followed those outlined in previous reports in this series.[1] For the survey of 1989 legislative sessions, requests for information, besides calling for information about court cases as well as for proposals to and enactments by the legislature, asked state directors to provide information on a special topic of interest to the field. Prompted by the increasing interest in and discussion of state legislative action observed in recent years, we asked directors to identify emerging issues of concern to policymakers with specific attention to the nature of competition for students between two-year and four-year institutions.

In a resumption of procedures used in the earliest of the series of annual surveys but not in the last few years because of limited staff resources, state directors from states which have typically reported activity but had not done so by late fall were contacted by telephone.

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[1]Recent previous reports in this series include: Martorana and Garland (1988, 1989); Martorana, Garland, and King (1990). Full citations of these and other reports in the series are included in the references.

Legislative actions reported were analyzed employing the design for classifying the status of the legislation and the topics with which the legislation dealt that has been used in prior year reports. A more complete discussion of the analytical design used in this project and its evolution as a technique in applied research in public policy analysis appears in a paper presented at a recent meeting of the American Educational Research Association (Martorana, 1990). In the design, the status of legislation is recorded in three classifications (enacted, not enacted, or pending) as of the close of the data gathering phase. Subject matter topics used this year repeated those established earlier and are reflected in the headings of the tables which follow in this report.

Coverage of Jurisdictions

Thirty-six states and the District of Columbia responded to the request for legislation affecting community, junior, and two-year technical colleges seriously considered in 1989 legislative sessions, as can be seen in Table 1. Serious consideration of legislation was defined as action sufficient to have the item reported out of its assigned committee to a legislative house. The 37 responses represent 67.3 percent of the 55 political units (50 states, District of Columbia, and 4 United States territories) which were asked to cooperate in the annual survey and analysis of state legislative activity affecting community college education.

To explore issues likely to yield legislative attention in the coming years, we asked state directors to identify emerging public policy issues and to comment on intersectoral competition. Thirteen states or 35.1 percent of responding states offered substantial opinions on the request pertaining to emerging issues while 8 or 21.6 percent responded concerning competition.

TABLE 1

Jurisdictions Responding to Requests for 1989 Legislation and Related Material

Jurisdiction	Legislation	Special Topic Competition	Special Topic Critical Issues
Alabama	X	-	-
Alaska	-	-	-
Arkansas	X	X	X
Arizona	X	X	X
California	X	-	X
Colorado	X	-	-
Connecticut	X	-	-
Delaware	X	-	X
Florida	X	-	-
Georgia	-	-	-
Hawaii	-	-	-
Idaho	X	-	-
Illinois	X	X	X
Indiana	X	-	-
Iowa	X	-	X
Kansas	-	-	-
Kentucky	-	-	-
Louisiana	X	-	-
Maine	X	-	-
Maryland	X	-	-
Massachusetts	X	-	-
Michigan	X	-	-
Minnesota	-	-	-
Mississippi	X	-	-
Missouri	X	-	-
Montana	X	-	-
Nebraska	X	-	-
Nevada	-	-	-
New Hampshire	-	-	-
New Jersey	X	-	-
New Mexico	-	-	-
New York	X	-	X
North Carolina	X	X	X
North Dakota	-	-	-
Ohio	X	-	-
Oklahoma	-	-	-
Oregon	X	-	-
Pennsylvania	X	X	X
Rhode Island	X	X	X
South Carolina	X	-	-
South Dakota	-	-	-
Tennessee	X	-	-
Texas	X	X	X
Utah	-	-	-
Vermont	X	-	-
Virginia	X	-	-
Washington	X	-	X
West Virginia	X	-	-
Wisconsin	X	X	X
Wyoming	-	-	-
D.C.	X	-	-
Virgin Islands	-	-	-
Puerto Rico	-	-	-
Northern Marianas	-	-	-
Guam	-	-	-
TOTALS	37	8	13

CHAPTER III

LEVEL OF LEGISLATIVE ACTIONS BY STATES, TYPE, AND TOPIC

The significance of state legislative activity in terms of the changes it may be generating in the public policy framework within which associate-degree institutions function can be judged from several perspectives. Among these are the number of states involved, the broad area of academic or institutional functions affected, and the more particular elements of legislative concern touched upon. These three perspectives guide our presentation in this section of the report. Separate sections follow devoted to state-level activity, coverage of broad topics, trends in overall activity, and issues evidenced in the review of particular topics.

State Activity

In all, as evident in Table 2, 1,063 pieces of legislation were reported by 36 states and the District of Columbia. Six hundred forty-four pieces of legislation were reported as enacted or 60.6 percent of the total pieces reported. In a like manner, 372 pieces or 35.0 percent of the total were reported as pending, and 47 pieces were reported as not enacted, representing 4.4 percent of the total. In each of these cases, only legislation seriously considered, that is, legislative proposals which were at least passed by the members of the committee to which they were originally assigned, were included for analysis.

From Table 2, it also can be seen that the number of pieces considered ranged from a single piece in each Idaho, Indiana, and Massachusetts to 169 pieces in California. North Carolina (150 pieces), New York (112 pieces), Texas (99 pieces), and Illinois (61 pieces) reported large numbers of bills considered. Each of these states typically demonstrates considerable activity each year. The mean of legislative items reported per jurisdiction of those reporting legislation was 32.2, up from 22.3 items per jurisdiction reported for 1988. This is but one measure demonstrating an increase in legislative activity in 1989 compared to 1988.

A generalization established in earlier reports continues to be supported by the data in Table 2; that is, legislation pertinent to community colleges is generally successful. In the aggregate, a strong majority (644 out of 1,063, 60.6 percent) of pieces of legislation seriously considered was enacted into law. In contrast, only 47 of 1,063 pieces (4.4 percent) were rejected. This year, the pending category represents a much larger share of the total items considered than in previous years. With 372 of 1,063 pieces considered pending, more than one third of legislative pieces (35.0%) fell into this category. The several states, however, vary considerably in terms of success in legislative activity undertaken. Twenty states or more than 60 percent of states reporting activity reported passing all pieces proposed, but others were at different extremes. New Jersey reported that most of its legislation introduced (57 of 65) was pending and more than one-half of the legislation considered in Michigan (67.4%), New York (61.6%), California (56.8%), and Wisconsin (54.5%) is reported as pending. The inter-state variation noted begs more intensive inquiry as to the reasons that may explain it, but such further research effort is beyond the scope of this report.

We continue, however, to suggest that several provocative questions are generated by these observations. For instance, is the level of success in promoting legislation a function of the content the proposals or is it related to other factors--type of administrative structure in a state, levels of local vs. state control, patterns of finance, etc.? Is it a function of external politics and the general political process? Are other social or cultural factors involved and, if so, how? Clearly, more research into questions such as these are needed, but little appears to be done. The largest number of pending issues were reported by New Jersey (57 of 65), Michigan (31 of 46), and California (96 of 169). The fact that the issues covered by these not enacted items were fairly evenly distributed among finance, administration, personnel, students, and programs does not suggest a relationship with topic. Clearly it appears that patterns of success or failure of legislative actions attach themselves to states not topics. The general question then becomes what characteristics of states shape this pattern.

Elsewhere (Garland & Martorana, 1987) we have explored some aspects of the question more fully but not exhaustively. A companion study to the 1983 legislative review, this paper suggests that such state characteristics as political culture, level of urban/industrialization, state administrative structure, and the culture of key policy actors are important to shaping patterns of interaction in the policy making process. That study, however, explored the shaping effects of these characteristics on enacted legislation only. Similar investigation applied to legislative effort that remains in a pending status, failed, or bills that fail and are reintroduced over several sessions could be equally illuminating. Further research is necessary, also, to more fully explore the relationship to legislative actions to other characteristics defining particular states or groups of states, such as those close in geographical location, that is, regional configurations, or are similar in social and economic makeup.

TABLE 2

Number of Pieces of Significant Legislation by State and Status of Legislation, 1989

State	Enacted	Pending	Not Enacted	Total Pieces
Alabama	6	0	8	14
Alaska(3)				
Arkansas	29	0	3	32
Arizona	18	10	0	28
California	61	96	12	169
Colorado(2)				
Connecticut	13	0	0	13
Delaware(2)				
Florida	3	0	0	3
Georgia(3)				
Hawaii(3)				
Idaho	1	0	0	1
Illinois	43	12	6	61
Indiana	1	0	0	1
Iowa	19	0	0	19
Kansas(3)				
Kentucky(3)				
Louisiana	42	13	3	58
Maine	3	0	0	3
Maryland	13	0	0	13
Massachusetts	1	0	0	1
Michigan	11	31	4	46
Minnesota(3)				
Mississippi	6	0	0	6
Missouri	18	0	0	18
Montana	6	0	0	6
Nebraska	13	6	1	20
Nevada(3)				
New Hampshire(3)				
New Jersey	8	57	0	65
New Mexico				
New York	43	69	0	112
North Carolina	82	66	2	150
North Dakota(3)				
Ohio	2	0	0	2
Oklahoma	2	0	0	2
Oregon(3)				
Pennsylvania	3	0	0	3
Rhode Island	30	0	0	30
South Carolina(2)				
South Dakota	2	0	0	2
Tennessee(3)				
Texas	99	0	0	99
Utah	2	0	0	2
Vermont(3)				
Virginia	26	0	0	26
Washington	26	0	7	33
West Virginia	3	0	0	3
Wisconsin	9	12	1	22
Wyoming(3)				
D.C.(2)				
Virgin Islands(3)				
Puerto Rico(3)				
Northern Marianas(3)				
Guam(3)				
Totals	644	372	47	1063

(1) No legislative session
(2) No significant legislation reported
(3) No response

Broad Topics

Strong similarities as well as notable differences exist both nationally and among the states in both the level of legislative activity and the topics of concern. These are generalizations that emerge from the data presented in Table 3.[2] Because a single piece of legislation can cover several topics of interest or several bills can touch on the same topic or topics used in the analysis of content, the first point to note is that the 1,063 pieces of legislation (Table 2) touched upon various topics to a total of 1,313 points (865 among enactments, 65 among failed items, and 383 among items pending).

Among the states, for example, in California the high level of activity as shown in Table 3 when all three classifications of legislation are combined is spread among the topics of finance (47), program (42), administration (41), and students (25) together or 85.2 percent accounting for 155 of the total 182 topics touched on in the combination of the 169 pieces of legislation reported in Table 2. In contrast, the state with the next highest level of activity, North Carolina, and again considering all three classifications of legislation more attention is focused on personnel (49 of 159), accounting for nearly a third (30.8%) of all.

Throughout the nation, however, strongest attention in community college legislation is focussed on the topics of administration and finance. Administration topics appeared 281 times among the total of 865 topics covered by enactments in the 1989 sessions while finance appeared 171 times. Concerns about personnel, students, and programs, however, continue to be notable although attracting less legislative attention than the first two concerns mentioned. These observations can be made even more clearly from the data displayed in Table 4.

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[2]Readers should note that a careful distinction is made throughout this report in the difference between pieces of legislation and topics with which content of the legislation deals. At times, one or the other is appropriate to the discussion.

TABLE 3

1989 Reported State Legislation by State, Broad Topics Covered, and Status of 1063 Pieces of Legislation*

State	Broad Topics Covered (N=1313)																							
	Finance			Administration			Facilities			Institutional Growth			Personnel			Students			Program			TOTAL		
	E**	P**	N**	E	P	N	E	P	N	E	P	N	E	P	N	E	P	N	E	P	N	E	P	N
Alabama	7	--	1	--	--	4	--	--	--	--	--	--	1	--	2	1	--	--	2	--	2	11	--	9
Arizona	4	2	--	9	2	--	--	--	--	--	--	--	4	4	--	2	--	--	1	1	--	20	10	--
Arkansas	6	--	1	13	--	2	--	--	--	3	--	--	2	--	--	5	--	--	9	--	1	38	--	4
California	15	30	2	19	18	4	2	--	4	--	2	--	8	8	3	12	12	1	15	23	4	71	93	18
Connecticut	7	--	--	9	--	--	--	--	--	1	--	--	1	--	--	6	--	--	1	--	--	25	--	--
Florida	8	--	--	21	--	--	1	--	--	3	--	--	1	--	--	12	--	--	12	--	--	58	--	--
Idaho	--	--	--	--	--	--	--	--	--	2	--	--	--	--	--	--	--	--	--	--	--	2	--	--
Illinois	16	5	2	17	5	1	--	1	--	1	--	--	5	--	1	7	1	5	9	2	1	55	14	10
Indiana	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--
Iowa	7	--	--	15	--	--	2	--	--	--	--	--	--	--	--	6	--	--	7	--	--	37	--	--
Louisiana	13	--	--	17	7	3	3	--	--	--	--	--	3	1	--	4	1	--	8	1	1	48	10	4
Maine	3	--	--	1	--	--	--	--	--	1	--	--	--	--	--	--	--	--	1	--	--	6	--	--
Maryland	6	--	--	3	--	--	--	--	--	1	--	--	--	--	--	3	--	--	4	--	--	17	--	--
Massachusetts	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	1	--	--
Michigan	5	8	4	3	10	--	--	--	--	--	1	--	--	1	--	1	12	--	2	1	--	11	33	4
Mississippi	4	--	--	9	--	--	--	--	--	1	--	--	--	--	--	1	--	--	--	--	--	15	--	--
Missouri	4	--	--	5	--	--	3	--	--	--	--	--	3	--	--	3	--	--	2	--	--	20	--	--
Montana	4	--	--	3	--	--	2	--	--	--	--	--	--	--	--	1	--	--	--	--	--	10	--	--
Nebraska	4	2	1	11	1	--	--	--	--	2	--	--	--	1	--	1	3	1	7	1	1	25	8	3
New Hampshire	5	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	6	--	--
New Jersey	1	12	--	6	9	--	--	2	--	--	--	--	1	17	--	1	13	--	3	18	--	11	71	--
New York	3	1	--	11	17	--	5	5	--	--	1	--	8	9	--	8	17	--	4	12	--	39	62	--
North Carolina	10	8	--	24	10	--	5	1	--	1	--	--	19	30	--	11	8	--	23	12	--	90	69	--
Ohio	--	--	--	5	--	--	--	--	--	--	--	--	--	--	--	3	--	--	6	3	--	14	3	--
Oklahoma	2	--	--	5	--	--	--	--	--	1	--	--	1	--	--	1	--	--	1	--	--	11	--	--
Pennsylvania	2	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	--	--	3	--	--
Rhode Island	5	--	--	11	--	--	--	--	--	--	--	--	10	--	--	5	--	--	5	--	--	36	--	--
South Dakota	2	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	--	--	1	--	--	4	--	--
Texas	16	--	--	40	--	--	2	--	--	3	--	--	20	--	--	10	--	--	12	--	--	103	--	--
Utah	2	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	2	--	--
Virginia	2	--	--	13	--	--	--	--	--	--	--	--	1	--	--	7	--	--	9	--	--	32	--	--
Washington	6	--	1	6	--	1	1	--	--	1	--	1	7	--	1	5	--	2	3	--	1	29	--	7
West Virginia	1	--	--	2	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	3	--	--
Wisconsin	1	--	5	1	4	1	1	--	--	--	--	--	1	1	--	3	3	--	4	2	--	11	10	6
TOTAL	171	68	17	281	83	16	27	10	4	22	4	1	97	72	7	119	70	9	148	76	11	865	383	65

* Note: A single piece of legislation can cover several topics.
** E = Enacted; P = Pending; N = Not Enacted

TABLE 4

Number and Percentage of Topics Covered in Total of Legislation by Status of Legislation

Topic	Topics Covered in Pieces of Legislation							
	Enacted N=644		Pending N=372		Not Enacted N=47		Total N=1063	
	N=865	%	N=383	%	N=65	%	N=1313	%
Administration	281	32.5	83	21.7	16	24.6	380	28.9
Finance	171	19.8	68	17.8	17	26.2	256	19.5
Academic Programs	148	17.1	76	19.8	11	16.9	235	17.9
Students	119	13.8	70	18.3	9	13.8	198	15.1
Personnel	97	11.2	72	18.8	7	10.8	176	13.4
Facilities	27	3.1	10	2.6	4	6.2	41	3.1
Institutional Growth	22	2.5	4	1.0	1	1.5	27	2.1
Total Topics	865	100	383	100	65	100	1313	100

The domination of concerns of finance and administrative issues within the total of 1,063 pieces of legislation analyzed, continues a trend first noted by Martorana and Corbett (1983) and identified in succeeding reports in this series. Three hundred eighty notations were made of administrative matters as the subject of legislative attention, or 28.9 percent of all such notations covered in legislation seriously considered in 1989. Within the area of administration fall the sub-topics of governing boards, administrative operations and procedures calls for studies and surveys pertaining to administrative matters, and the like. Financial issues encompassing riders or issues attached to general appropriations, special appropriations, capital fund, and financial procedures accounted for 256 or 19.5 percent of the topical coverage of the legislation reported. Together, the broad categories of finance and administration encompassed 636 legislative topics and account for 48.4 percent of the scope of legislative concerns reported.

While the weight of attention continues to fall on matters of administration and finance, the increases and declines of that dominance as noted in previous reports is noteworthy. In 1985 legislation, 59.3 percent of all legislative concerns fell in the administration and finance areas, while in 1986 legislation these two categories declined to 51.7 percent of all

legislative topics. Though not as precipitous, the drop to 48.2 percent for 1987 legislation appeared to establish the trend more assuredly. In 1988, however, as shown in Table 5, administrative and finance issues increased and accounted for 56.4 percent of all items reported for 1988 legislation. And from 1988 to 1989 there was a sharp single-year decline (to 48.4%) and apparently resumes the trend of the declining dominance of these topic areas.

After finance and administration, the next most numerous subject category shown in Table 4 was that of programs, two hundred thirty-five notations were made of personnel matters or 17.9 percent of the total legislation reported. The data in Table 5 show attention to this topic is on the increase. Evident stimuli for this kind of legislation are concerns about programs designed to support economic development initiatives and responding to certification/accreditation changes. New and revised programs to prepare health professionals are frequently the topic of legislative interest. The frequency of personnel issues shown in Table 5 represents a substantial increase over the previous year, from 11.8 percent of all topics in 1988 legislation to 17.9 percent in 1989 legislation.

Somewhat the same observation can be made from Tables 4 and 5 with respect to student topics. Student issues accounted for 15.1 percent of all legislation topically considered. A total of 198 legislative items were noted in this area with particular and growing attention on student financial assistance. Legislative attention to student issues again represents an increase over 1988 legislation from 12.3 percent of legislative issues.

Personnel issues were the topic of 176 legislative items, or 13.4 percent of all legislative subject matter reported. In this category continued attention to retirement and health benefits as well as employee rights and responsibilities. In general there was a notable decrease in attention to personnel issues, from 16.2 percent to 13.4 percent from 1988 to 1989 legislation.

Few pieces of legislation dealt with physical facilities or institutional growth. These topical categories accounted for just 3.1 and 2.1 percent of all legislative subject matter, respectively.

In summation of insights from the data in Tables 4 and 5 we see from year to year only small shifts in the relative importance of the topics but the direction of the shifts and their direction over time are important to note. Between 1988 and 1989, administration and finance issues each took the largest shares of the total though decreasing in predominance, while academic programs and student issues represented a smaller share of the total but showed the biggest increases. Shifts in the latter categories are most notable from year to year and they can represent important trends in the making. One can ask, for example, if there is a shift of legislative concern back to programs and students and away from administration and finance, Why are legislatures doing so? This might be explained by enrollment and tuition pressures in many areas, but could be evidence of other trends. Questions like these need continued examination and need a continued monitoring of the actions of legislatures, if answers are to be obtained.

And to assist in doing that monitoring we ask each year for reports of legislative proposals not enacted, or pending action, as well as that enacted. The utility of knowing topics of concern in pending and not enacted legislation is seen in the line in Table 4 pertaining to personnel. In percentage of topics covered in enacted legislation it ranks fifth (11.2%) and ranks fifth (10.8%) in the column for not enacted legislation. But in that for pending legislation, personnel matters rank third (18.8%). Again, the question surfaces: Do community colleges need to mount a stronger guard in this area? Legislative history is full of examples of effort over several years before a law is passed.

Beyond the overall amount of legislation reported each year, the special focus of that legislative activity tells a significant story. The broad topics of legislation considered in 1989, as a portion of total legislation reported, changed little from 1988, as seen in Table 5. However, within those topics, a number of observations emerge from a reading of the legislation itself. Among those that are appearing are tuition savings account programs, crime statistics, and continuing interest in governance issues. While these topics were not mentioned in each state, their emergence in several states

suggests legislative attention to these timely topics. We return to a discussion of those topics later in this section of the report.

TABLE 5

Legislation on Broad Topics as a Percentage of Total Legislation by Topics, 1988 and 1989

Topic	1988 (n = 697)	1989 (n = 1313)	Point Difference
Academic Programs	11.8	17.9	+6.1
Students	12.2	15.1	+2.9
Institutional Growth	1.0	2.1	+1.1
Physical Facilities	2.3	3.1	+0.8
Personnel	16.2	13.4	-2.8
Finance	23.1	19.5	-3.6
Administration	33.3	28.9	-4.4

Trend of Total Activity

Since our report of 1984 legislation we have made more extended analysis each year of the amount of legislation that is reported to us. This action precipitated by the fact in 1984, for the first time since this project began, a decline was seen in the amount of legislation reported. At the time, however, we could not tell if the change resulted from level of state response to our annual call for data. Since that time, we have taken a look at those states which have consistently reported legislation to determine if the adjusted volume has increased or decreased the control group of steadily responding states.

In 1984 we suggested for the first time that the volume of legislative activity may have stabilized or declined slightly but the increased volume in 1985 legislative sessions suggested that growth in volume--consistently reported through the 1983 report--might be resuming. The review of 1986 legislation provided further evidence of stabilization. However, in our 1987 report we suggested a dramatic increase for those nineteen states which have reported activity each year since 1983. The decline of activity in those same states in 1988 suggested a reversal of the dramatic increase in volume reported in the 1987 report. The increase in 1989 sessions is again dramatic.

As can be seen from Table 6, the decline from 1983 to 1984 was followed by a substantial increase from 1984 to 1985. A small decrease occurred from

1985-1986. A dramatic increase from 1986 to 1987 is matched by an almost equal decrease from 1987 to 1988. Legislative activity bounced back in 1989 with the most dramatic increase ever. Overall, the cumulative change since 1983 is a substantial increase of 48.9 percent, suggesting that while increases or decreases can be substantial from year to year, a high level of activity are the rule rather than the exception.

TABLE 6

Amount of Legislation Reported, 1983-1989 and Percent Change

Year	Amount*	Change from Previous Year	Cumulative Change
1983	392	0.0	0.0
1984	362	-7.6	-7.6
1985	423	+16.9	+7.9
1986	405	-4.3	+3.3
1987	542	+33.8	+38.3
1988	370	-31.7	-5.6
1989	584	+57.8	+48.9

*Only those states (19) reporting legislation each year are included.

Last year, we posited reasons for the increases and decreases in activity. In 1983 sessions, attention to economic development and special programs created a flurry of activity that was not repeated in the following year. In 1985, while no single issues captured the attention of legislatures, attention to special programs, facilities, tax policy, and governing boards increased legislative activity. In 1986, legislative attention was not galvanized around as many issues. During the 1987 legislative sessions, interest in a number of issues, particularly in the student and academic program areas, has resumed and burgeoned in several states. Again in 1988 no predominant issues gained widespread legislative attention. In 1989 legislative sessions student and academic program issues captured the attention of legislators. A conclusion, we can suggest is that the volume of legislation seriously considered is dependent on the number and popularity, that is, public visibility or evidence of concern about issues presented to or emerging from legislatures.

Table 7 portrays the legislative attention to broad categories in the selected states which provided information each year for the past four volatile years. In years with most activity there is increased attention to student and academic years. In those with least activity, issues of finance, administration, and personnel capture a greater portion of legislative attention. This suggests that when legislators grow interested in issues of people and program, more legislative activity occurs. Conversely, when no issues of people and program capture legislators' interest, activity wanes. Obviously it is too soon to conclude this phenomenon with any certainty; it does, however warrant continued observation and exploration.

TABLE 7

Percentage of Total Topics Seriously Considered in Selected States by Broad Areas, 1986-1989*

Topic	1986	1987	1988	1989
Administration	27.7	25.3	33.3	28.9
Finance	24.0	22.9	23.1	19.5
Personnel	18.8	16.7	16.2	13.4
Students	12.7	18.0	12.2	15.1
Programs	9.8	14.1	11.8	17.9
Physical Facilities	2.7	1.9	2.3	3.1
Institutional Growth	4.3	1.1	1.0	2.1
Total Legislation Considered	405	542	370	584

*Includes only the 19 states that provided data for all four years.

Looking over the level of activity in the nineteen states, it can be seen that in some states, consistently high levels of legislative activity are maintained from year to year (such as Arizona, California, Maryland, and New York). Other states have more volatile levels of activity. In recent years, Illinois' activity has ranged from 9 to 66 pieces, North Carolina from 23 to 150, and New Jersey has demonstrated a steady increase from 3 to 65 pieces.

This suggests that while aggregate changes in the total volume of legislation we report on each year may occur from year to year--and they may be quite dramatic--the aggregation may cloud what is happening in particular states. They may reflect changes in the level of legislative activity in postsecondary education in the states themselves, perhaps even more.

Issues Evidenced in Particular Topics

A detailed content analysis of the legislation called to our attention in this annual survey is beyond the resources provided. Each year, however, we report the emerging issues or special concerns evident from our review and general analysis of the materials at hand, focusing particularly on those believed to be indicative of public policy interests of major regional or nationwide concern.

Prepaid Tuition and Savings Plan. This year, as in the past two, several states considered legislation designed to help individuals and families afford the high costs of postsecondary education, capitalizing on recent attention to these financing plans. Alabama passed legislation creating a tax exempt fund under the purview of the State Treasurer. In California, two pieces of legislation were considered but not enacted that would have created different programs to foster college savings. One sought to create an educational trust and advanced tuition payment fund while the other sought to earmark general obligations bonds for college savers. The Louisiana Education Tuition and Savings Plan was enacted to help families save for the expenses of college education. Massachusetts enacted legislation to create a college savings plan while Michigan, the first state to create a guaranteed tuition savings plan, considered a proposal to create a tuition savings bond program.

Left pending at the close of the session in Nebraska was a proposal to permit tax credits for contributions to a savings account for students. New York considered but did not enact an advanced tuition payment plan. Pennsylvania is still considering two proposals, one to establish a tuition savings plan and one to create college savings bonds. Rhode Island enacted legislation to make changes in their existing program. Legislation in Texas created a college savings bond program.

Interest in creating programs to enable families to save better for a college education remains strong. The increasing costs of both public and private education at all levels certainly must continue to fuel the interest. Since Michigan's BEST program was established most programs or proposed

programs have moved away from guaranteeing tuition payments, but rather focus on providing an attractive and safe program for college savings.

Crime Statistics Reporting. Legislative interest in requiring campuses to assess the nature of their security efforts and to report annually to students and staff the number of crimes continues to increase. Parents of a student murdered at a college in Pennsylvania were successful in getting the General Assembly to enact the nation's first crime reporting requirement for colleges and universities in 1987. Since that time they have been active in securing legislative attention in other states by the federal government.

During the 1989 legislative sessions, several states considered legislation to better inform students about crimes on campus as well as security procedures. Legislation to require annual crime reporting and the disclosure of security policies and procedures was passed in both houses in California but vetoed by the Governor because of the burdensome cost to colleges and universities.

Louisiana enacted legislation to require the collection and distribution of crime statistics while Michigan considered requiring the annual collection and reporting of crime information. Pending at the close of the session in New Jersey was a bill to require crime reports of colleges and universities. New York considered but did not enact a provision creating an advisory committee on campus security; various other bills were proposed requiring crime reports.

More recently, Congress has enacted legislation to require all institutions to report crime statistics to students and employees. Reporting requirements are different than in many state laws and will at least for the short run, cause some confusion among students, parents, and employees, as well as among college administrators.

Governance Structures. The structure for community college education and related programs continues to evolve in a number of states. In Arkansas, legislation provided new powers to the state Board of Higher Education regarding program review and approval. Previously the Board could only recommend. Not enacted in Arkansas was a measure to remove the power to

appoint agency heads from the governor and bestowing it on various boards in Arkansas. In Alabama, the legislature failed to enact a proposal to create a separate Board of Education for the Alabama College System.

In Connecticut, the boards for state technical colleges and for community colleges were merged into a single Board of Trustees for Community and Technical Colleges. In Ohio, two distinct commissions were established to recommend changes in practices (Commission on Educational Improvement and Commission on Vocational and Technical Education). Other legislation in Ohio renamed the State Board of School and College Registration to the State Board of Proprietary School Registration and significantly expands its authority. In West Virginia, legislation creates a vice chancellor for community colleges, establishes roles and missions for community colleges and identifies service regions. In California, numerous technical changes were made the legislation, enacted in 1988, leading to sweeping community college reform.

Briefly Noted. Two other topics of legislative interest may prove "worth watching" in future legislative sessions. First is the easing of bureaucratic controls. Arkansas enacted legislation specifically aimed at reducing requirements in a number of areas. At the same time, both new Jersey and New York state have moved to reduce the burden of statute and regulation to enable institutions more freedom in the operations. Recently, leaders of institutions within both systems that with substantial budget cuts, new found freedom over operations enabled them to more reasonably respond to decreased appropriations. Given the size and scope of budget shortfalls across the country at the time of this writing, "less money, fewer controls" may gain some momentum.

Another issue worth watching is that of substance use and abuse. Only New Jersey considered (but did not enact) several bills requiring, among other things, an alcohol awareness coordinator on each campus, non-alcohol social events, written alcohol policies, and drug education program. As a result of legislative study, under the sponsorship of the Pennsylvania Association of Colleges and Universities, a Presidential Task Force was created to develop model alcohol and other drug policies and identify effective educational,

intervention, and treatment programs. Coupled with interest in the reporting of crime statistics on college campuses, it suggests that legislatures are less and less willing to allow colleges and universities, including community colleges, to handle behavioral incidents in their own way.

CHAPTER IV

EMERGING PUBLIC POLICY ISSUES IN THE STATES

Each year the annual survey of legislation includes public policy-related question or questions. This year, state respondents were asked to identify and comment on the most viable issues (other than finance) that are attracting attention of lawmakers (executive and legislative) and their staffs. In addition, respondents were asked specifically to comment about inter-sectoral competition for students in their states, particularly, competition between two-year and four-year institutions.

The former question provides an opportunity for state respondents to comment on those areas of concern which are or have the potential to capture legislative interest. Over the years, by focusing on emerging issues likely to lead to public policies, we have been able to identify trends in the making. Depending on the political processes and culture of a state, ideas may move quickly from public policy discussion to action or the discussion may not yield action for some time. As a group, these issues represent the context from which public policy actions are likely to emerge.

Thirteen states (or 35.1% of those responding to the request for legislation) responded to our requests for information on emerging public policy issues. Eight state respondents provided information on issues generally and also commented on competition for students.

Table 8 summarizes the issues mentioned by states grouped by topic area. A total of seven issues in the area of vocational-technical training were mentioned in six states. Delaware and North Carolina identified the growing interest in and expansion of tech-prep programs. California commented that its Legislature is relying more heavily on community college occupational and technical training as a means of breaking welfare dependency and unemployment among disadvantaged citizens. Respondents from Arizona and Iowa mentioned the broad issues of vocational education and competency-based vocational education, respectively. Training and re-training was mentioned as an area of interest by Washington, including such sub-issues as public/private provision

of training; labor/business partnerships for customized business training; and workplace literacy initiatives.

TABLE 8

Emerging Public Policy Issues, 1989

Issue Area	Issues	States
Vocational-Technical Training	7	6
Cooperative-Arbitration	5	5
Finance	4	4
Faculty	4	3
Students	3	3
Quality-Assessment	3	3
Diversity	2	2
Management	2	2

Number of Issues: 29
States Responding: 8

The second most frequently mentioned topic area for emerging issues was cooperation and articulation. Five states mentioned issues related to this topic. Arizona and Delaware mentioned the growing interest and activity in 2+2+2 program articulation. Delaware also mentioned the development of a higher education facility on the southern campus of its technical and community college. The facility will be shared by the University of Delaware, Delaware State College, Delaware Technical and Community College and private institutions of higher education. The facility will enable students to receive associate, baccalaureate, and graduate degrees at the same location. Policy attention in Illinois is focusing on effecting the ability of community college students to transfer to senior universities with a minimal loss of credit. Attempts to legislate a smooth transition have failed as yet, but interest remains strong. In Pennsylvania, a similar level of interest has yet to enact legislation to ensure transferability. Presidents of community colleges and the 14 institutions comprising the State System of Higher Education are meeting to study ways to improve transferability and articulation. In North Carolina, legislators are encouraging more cooperation among the three educational systems (schools, community colleges, and universities) in an effort to reduce dropout rates, improve SAT scores, and promote articulation. As a result of legislation passed three years ago, the three systems must meet jointly on an annual basis. In Washington, interest

is growing in improving articulation with high schools. Pilot projects are underway to allow high school juniors and seniors to attend community colleges for diplomas and degrees (known as "Running Start").

Despite our attempt to exclude finance issues from others, four states mentioned issues related to budget and finance. California mentioned budget and finance issues related to accommodating projected enrollment growth. These included securing adequate funding for a growing number of students, developing a plan for new capital facilities, and implementing program-based funding. In Pennsylvania, the continuing growth of community college enrollments is leading policymakers in the executive and legislative branches to rethink the community college funding system that has been in place for more than 25 years. Continuing the statutory commitment of the North Carolina's General Assembly to fund the recommendations of the community colleges' Commission on the Future. Looking for alternative sources for capital funding is drawing attention in Washington.

Faculty and administrator issues emerged in three states. In Illinois, there is increased discussion concerning the use of part-time faculty in community colleges. One bill to limit the use of part-time faculty surfaced in the last session but was held in an attempt to gain consensus among interested parties. In Iowa, discussion is occurring on the upgrading of faculty and staff salaries and on staff development. In Washington, interest is growing in enabling public/private endowments to recognize distinguished faculty. In addition, there is interest to enact legislation to permit greater flexibility in hiring administrators and to promote parity for salary increases for faculty and administrators.

Student issues were mentioned in three states. In Arizona there is growing interest in tracking students on a statewide basis. Tuition levels are the subject of interest in Illinois, while in Washington reporting on crimes on campus to all students and employees is a topic of interest.

Issues of quality are attracting attention in three states. In Iowa, the Governor is interested in establishing methods for assessing school effectiveness as part of his broader effort to strengthen the state's

leadership for world class schools. California's interest in ensuring quality involves establishing minimum qualifications of faculty and staff, developing more rigorous educational standards and measuring performance. An accountability model was approved by the Board of Governors and pilot testing is underway. In Washington, assessment is capturing attention. There is interest in establishing a means to evaluate college strengths and weaknesses for the purposes of improving instruction.

Diversity was raised as an issue in two states. In California, significant plans are being implemented to improve the diversity among students and faculty within the community college system. In Washington, new initiatives to recruit, retain and achieve success for minority students and minority faculty.

Finally, management and administrative issues were mentioned as issues capturing greater attention in two states. In California, focus is shifting to the Chancellor's Office of the Community College System. As a result, continuing efforts are being made at strengthening the consultation process, redefining the authority, control and role of the central office vis-a-vis state government and the community college districts. In Iowa, interest is growing in developing a management information system for the community colleges.

Competition for Students

State respondents were asked to comment on whether or not competition for students--particularly competition between two- and four-year institutions--was growing in their states. Eight states provided responses to this question. Only three states suggested that competition was growing. In North Carolina competition between the sectors continues to command attention. While enrollment in the 58 community colleges continues to grow there is concern that with tuition increases in the public sector, increasing grant aid available to undergraduate students attending private institutions and efforts to expand grant assistance to the students of proprietary schools, that competition for students will continue to grow and affect public policy choices.

In Texas, competition for students is taking on a different flavor. Corpus Christi State University, previously an upper division institution will admit freshmen and sophomore students beginning in Fall 1984. The Coordinating Board was charged with studying the feasibility of downward expansion of the University of Texas at Dallas and the creation of the University of Central Texas, providing that the American Educational Complex (a public community college) and the American Technological University (a private institution) are dissolved. Public debate has occurred on the merits of merging the University of Texas at the Permian Basin (upper division) with Midland and/or Odessa College (public community colleges).

Illinois states that while competition between baccalaureate institutions and community colleges is an issue, it's not one that has attracted legislative attention or high-level policy attention.

Seven respondents definitely stated that competition was not an issue in their states. In Arizona, community colleges have more students than they can handle. Due to increase university admissions standards and the possibility of placing caps on university enrollments, no enrollment competition problems are expected. In Arkansas, universities continue to have less interest in non-traditional students than community colleges and understand that there is an important role for community colleges in serving these students, there is less competition than there once might have been.

In New York, competition between baccalaureate institutions and associate institutions, has not become a public policy issue. However, with budgetary limitations of the state and the general economic circumstances facing all prospective students, New York is being led to the issue. Limitations of state support have led to caps on freshmen enrollments, leading them to community colleges. If the current economic climate continues for some time and state budgets remain similarly limited, competition for students may raise to the level of a major policy issue.

In Rhode Island, competition for students is not seen as an emerging public policy issue, not is it likely to become one in the future. In Wisconsin, cooperation--not competition--is the rule of the day between the

Vocational, Technical, and Adult Education system and the University of Wisconsin System.

Conclusion

Within a wide array of issues capturing the attention of public policymakers, as identified by respondents in the several states, certain commonalities appear. Refining and enhancing vocational-technical education, within a context of changing programs, initiatives, and interests is capturing the attention of policymakers. Much remains to be done to institutionalize tech-prep programs. Similarly, new and revised initiatives in job training will be a continual source of interest because of our economies continual evolution.

Many of the initiatives in vocational-technical education are renewing attention to cooperation and articulation. New programmatic initiatives require more cooperation than ever before as the interdependence of the levels and sectors in the educational enterprise particularly as they relate to vocational-technical training is more clearly recognized. To create opportunities for students, beginning in secondary programs and extending through community colleges to four-year programs, a commitment to cooperation is essential.

Other issue areas point to matters that appear to be becoming perennial concerns: the appropriate use of part-time faculty, assessing student learning outcomes, and promoting diversity among students and faculty. Similarly, it seems a constant that no discussion of emerging issues is complete without some attention to finance. Adequacy of funding for growing student populations is emerging in a number of states.

Our question provoked only limited interest. This is evident in both the low rate of response to the inquiry and the substance of those that did reply to it. The query to determine if there was increasing competition of students led some state respondents into voicing concern for growing competition for funds among the different types of institutions which is seen as closely related to competition for students. Both arenas of competition merit continued attention from both academic and fiscal perspectives. From the

academic perspective, for example, there is the need to encourage a consistent public policy when concern about competition for students is under study at the same time that policy pertaining to articulation and cooperation and assessment of student outcomes is being formulated. Similarly, from the fiscal perspective, public policy makers must be shown the impact of their positions on the community, junior, and two-year technical college sector when policy attention is being given to other levels of postsecondary education in a state. The interrelatedness of these areas of concern demand both open approaches in study and analysis of them in each state and open communications among leadership of the several sectors and between all of them and the offices of government and the legislature.

CHAPTER V

OVERVIEW, MAJOR OBSERVATIONS AND DISCUSSION, CONCLUSION

This sixteenth report on state legislation affecting community college education continues to add to the cumulative record of trends in the legal status of community college education. For nearly forty years now, the senior author of this report has monitored the legal status of community college education, starting with a look taken shortly after World War II (Martorana, 1950). Since then a stream of publications recorded and described the evolving shape of state-level public policy within which the enterprise operates and the changing directions in which that policy framework takes "the movement" (Martorana, 1950; 1963; 1985).

Through continuing use of a consistent approach to gathering information, a structured design for analyzing the content of statutes and related documents, and consistent techniques relating current to earlier examinations, a longitudinal view is possible. By taking notice of state legislative matter reported which does not readily fit the pattern thus earlier established, indications of new and emerging changes are detectable and plans for their further monitoring can be laid. That the results of reports produced in this fashion serve a current purpose of value to the field as well as that of adding to the historical record of community college evolution in America is evident in the strong and steady cooperative support of and participation in the effort by the National Council of State Directors of Community and Junior Colleges, whose offices provide the data basic to it.

Overview

This year, again, response to our annual call for information from the state directors was high: over two-thirds of the 55 political jurisdictions (50 states, District of Columbia, 4 U.S. Territories) responded to requests for 1988 legislation, 36 states and the District of Columbia forwarded materials for us to analyze and base our report.

In all, 1063 pieces of legislation were examined, of which much of the largest proportion (60.6%) was enacted. California, New York, North Carolina,

and Texas continue to be states of high legislative activity, while Idaho, Indiana, and Massachusetts displayed the least.

Governance issues attracted strongest attention in 1988 legislation. Finance and administration continue the major broad topical areas with the personnel and student categories also having high legislative attention. Physical facilities and institutional growth were categories of least legislative notice.

Within the legislation, when examined beyond broad category of classification, three subjects meriting special notice emerged. These were prepaid tuition payment and savings plans, reporting of crime statistics, and changes in state-level governance structures.

Thirteen states responded to our request for emerging issues capturing the interest of state-level policymakers. Increased interest in vocational-technical education and cooperation activities are likely to emerge in legislative activity in the next couple of years.

Major Observations and Discussion

The first major observation we make for state directors of community colleges and others to recognize is the dramatic increase in the volume of state legislative activity in 1989 over 1988. When we controlled determination of the volume of legislative interest evidenced over the past few years for variation in number of states responding to our survey from year to year, we found that there has been no substantial change from 1983 through 1986 but a rather dramatic increase from 1986 to 1987, and an almost equally dramatic decrease in 1988 and substantial increase in 1989. Considering only states that reported for all years 1983 through 1987, the volume of activity is considerable, but staying at about a constant level throughout the period of the first four years, then becoming more volatile in the fifth, sixth, and seventh year. Comparing legislative activity in 1989 with that in 1983, a considerable increase is noted, the jump being nearly 50 percent.

The sudden increase in 1987, followed by a decrease in 1988, and then a restoration to the 1987 levels in 1989, provokes a great deal of speculation as to why it occurred. Perhaps 1987 was a landmark year, where legislatures

turned their attentions to a variety of issues, creating a flurry of activity. This frenzy of activity, once spent, could have led to a resumption of more "normal" levels of activity. Looking at several states which experienced high levels of activity in 1987, declining to a lower level in 1988, only to return to a high level in 1989, suggests that this may be true. If so, other questions are raised. Are there national trends or issues (such as tax reform or economic development) which can inflate the amount of legislation over what might be called routine levels of legislation? Is the amount of legislation more volatile in some states than others? Answers to these questions would prove valuable in our understanding of the amount of legislative activity over the years and across the states.

Part of the answer to these questions is the subject matter of legislation that is reported to us which we examine by noting content by broad category of legislation. Last year we noted a shift away from the continuing growth of the administrative and fiscal categories originally noted in our report on 1986 legislation. This year, however, we note that the administrative and fiscal categories grew at the expense of other categories, from 48.2 percent of legislative topics in 1987 to 56.4 percent of legislative topics. This suggests that in 1988, operational concerns accounted for a larger portion of legislative items than did those focusing on people and programs (our Personnel, Student and Academic Programs categories). Quite the opposite occurred in 1989. Operational concerns declined at the expense of interest in people and programs. Over the last few years there is greater total activity when legislative interest turns to people and programs. Policies affecting administrative procedures and fiscal affairs are clearly ones in which states have a major and enduring concern. Less clear--and a matter of great interest to community college leaders--is the concern which legislatures have shown for the programs and people who are at the heart of community colleges.

In the last couple of years, we have focused on legislative involvement in academic policy areas. We have suggested--citing both the amount of legislation and the informed observations of our respondents--that the locus of control for deciding matters of academic policy is shifting to the state

from the local institution and community. The fact that legislative activity decreased in 1988 led us to suggest that the shift had stalled. The renewed volume noted in 1989 suggests that interest may wane at times but remains strong overall.

Moreover, these observations further suggest that the growth of legislative interest in what perhaps can be described as the programmatic areas usually considered to be the primary concern of institutional policy determination--personnel, students, and academics--must be carefully watched. When and why are legislatures interested in these areas? Further monitoring of legislature activity in this series will continue to illuminate trends in the locus of decision-making for community college education.

All leaders in the community, junior, and two-year technical college field, and especially state directors need to note that despite declines in activity in some years since 1983, that level remains high. The amount and topic of legislative activity remains a strong concern of community college leaders. To better understand the issues of and trends in legislative activity as well as the practice of legislative involvement remains an important need. To meet that need now, however, requires the collection and close, analytical examination of a thousand or more pieces of legislation coming from states and jurisdictions throughout the nation. No small task! Yet it must be accomplished or the field will lose a valuable informational resource and have to fall back to occasional, topical studies without capacity to identify trends and emerging issues of public policy concern. To accomplish the task, moreover, a strong cooperative effort exerted at a steady, continued level by several key players among the leadership of community college education is required.

Challenges to the Cooperative Task

In the closing sections of our report last year (Martorana, Garland, & King, 1990) we discussed the rationale for the maintenance of an effort to monitor state legislation and state-level policy affecting community, junior, and two-year technical college education as a special focus of inquiry, analysis, and interpretation. We commented on the question of whether or not

this rationale reflected "Paranoia or Leadership Focus" (pp. 35-37) and described findings from several reports over the years of the state legislation project that showed the strong existence of "Cross State Transfer of Public Policy Affecting Community, Junior, and Technical Colleges" (pp. 38-40). We described the long-time commitment of the National Council of State Directors to the project and the stakes in it held by the AACJC and the Association of Community College Trustees (ACCT), along with announcement of the commitment of the Community, Junior, and Technical College Times to publication of a special column dealing with state legislative matters.

Clearly, monitoring, surveying, analyzing, interpreting, and reporting on state legislation and state-level public policy pertaining to community colleges is an important undertaking which serves the interests of all the above centers of leadership of "the movement," as well as leadership at institutional and other agency centers as well. As the public policy framework within which community colleges and similar institutions must operate continues to shift toward the state level and away from both local and federal levels, the effort will become more and more important.

Several challenges confront the task, however, that merit closer notice and attention of leaders in the field. We close this year's report with a brief depiction of those challenges which we see essentially falling into three classifications: challenges to cooperation, challenges to resource acquisition for greater productivity, and challenges to enhancing dissemination and use.

Challenges to Cooperation Itself

Effort to monitor state legislation and state-level public policy has been and continues to be, basically a "labor of love." Because it, admittedly, is done to serve the interests of an effective community college educational enterprise, organizations such as the National Council of State Directors and the AACJC, and individuals such as the authors of this report, also having a high interest in the field, readily engaged cooperatively to carry forth the effort. As noted at the start of this report and constantly in other references to the project, the state directors and their several offices are

key participants because of their closeness to state government. Participation does impose a burden, however, directors and staffs, already with heavy demands on their time and resources, are asked to extend themselves to provide the information essential to the effort. That they do so year after year with good grace and at a very high rate of response speaks both to the sense of importance attached to the results of the effort and to the commitment to cooperation that the directors maintain.

A similar dedication to the effort has been shown by the other key partner, the Center for the Study of Higher Education. It, too, is a busy place with existing heavy commitments of its personnel and resources. Among the components of higher education to which it is committed to give research and developmental attention, however, is community college education and all that concept entails; hence, the partnership with the National Council of State Directors to monitor state legislation affecting the field, a partnership now nearly two decades old.

Other organizations with high stakes in community college education such as the AACJC and the ACCT, to date, have engaged in the cooperative effort with high interest but in less direct roles. Nonetheless, their expressions of the sense of importance they hold to the effort and the wish to see it carried on are of invaluable help. The AACJC's attention to the subject of state legislation in its national publication, Times, is an added indication of the spirit of cooperation.

The point of this commentary is that a high level of cooperation among interested parties in monitoring state legislation is an absolutely essential element to its success and, further, that the structure and process for the cooperative effort is fragile. Interorganizational activity, when seen as a "labor of love," can too easily break down. The challenge we face in this regard is to keep all who are cooperating "in the act" and to assure and demonstrate to all concerned as much as possible that the return is worth the effort.

Challenge to Resource Acquisition for Deeper Productivity

Time and again throughout the reports we have made for during recent years we have noted instances where more penetrating analysis would produce even more useful information for the field. In the early years of the state legislation annual surveys and reports, when the volume of activity was lower and more resources available, a number of such extended inquiries were made and included in the monographs published each year by the Center. The present level of examination often provides clues to needed additional insight into an issue but not the depth of understanding that interested users in the field would like to have. What within the broad category of Personnel Issues are the specific points of legislative concern? Why is there such wide differences in the level of state legislation from one state to another? How rapidly do states follow one another in the "copy cat" state legislation syndrome, and why with respect to some issues and not others? What causes some areas of state legislation to be influenced by some federal policy developments and others not? These are examples of what we have noted to be possible lines of deeper inquiry that the state directors and others would have an interest in seeing pursued. Present resources are not sufficient to do so.

The challenge, of course, is getting the resources needed. Several approaches for expanding the resources needed to support deeper inquiry can be suggested. Among these are possible new cooperative ventures involving the National Council, the Penn State Center, the AACJC, and the ACCT, collectively, could seek external support for such studies, either as a continuing and regular extension of the base that the annual survey provides or as pursuit of answers to particular questions raised from them. Another approach could be a cooperative effort involving the aforementioned organizations and the Council of Universities and Colleges (CUC). The CUC is a national organization of college and university professors specializing or having deep interest in community college education and is an affiliate of the AACJC. The National Council of State Directors, CUC, and AACJC could establish a networking arrangement whereby resources could be obtained to

support individual special studies, again, emanating from questions raised through the annual baseline survey and report. Other approaches may well be at hand.

Challenge to Enhancing Dissemination and Use

The annual report on state legislation to the state directors is published by the Center and copies are sent to all state directors and other personnel who cooperate directly in the project. Again, limitation of resources permits only a limited number of additional copies for wider distribution in the field. This condition restricts the availability and use of the document to users in the field. This is true even with the fact that the report is put into the ERIC Community College collection upon its release each year.

Over the years, too, the authors of the annual report have published articles that were "spin-offs" or extensions of the annual survey in various journals. They have appeared in the AACJC Journal, the Community College Review, and elsewhere.

Beyond the need for wider dissemination of the annual report is the desirability for more timely release of material that comes to our attention pertaining to state legislative action and related matters of public policy as work on the annual surveys and reports go on. Since it has become known that the Center is a gathering point for such information, reports of developments in the several states often come routinely to us. Inquiries about such developments do as well. The senior author of this report tried several years ago to get a national clearinghouse on state legislation established as a joint venture of the Council, Center, and AACJC. It is still a provocative thought.

Publication of the AACJC newspaper, the Community, Technical, and Junior College Times, has to some extent alleviated the dissemination concern by its coverage of developments in the states. While commendable and useful, such journalistic reports characteristically are properly descriptive rather than analytical or interpretive, a condition offset by the Times' agreeing to publish a recurrent special column reporting on recent state legislation and related policy developments in a broader and deeper way.

These releases, however, still leave the issue of most useful means and extent of dissemination only partially answered. What about modes of distribution that would help to deepen sensitivity to and understanding of community, junior, and technical colleges and their place in state legislation and related public policy on the part of legislators, governors, and their staffs? Those audiences can safely be presumed to be outside of the usual readership of reports to the field, professional educational journals, and even general informational newsletters and newspapers published by educational associations. Yet their ear is critical in reaching the true decision makers when matters come to the point of legislative and gubernatorial action.

Conclusion

Since our report covering the 1986 state legislative year we have used the concluding statement to ask in one form or another the same question, "Where is the action that would help community college leadership deal with increasing state governmental attention on a broader front?" Several suggestions were advanced--national and regional workshops dealing specifically with the subject and sponsored by the several leadership centers; special sessions on legislation, legislative practices, positive political action, and related topics to be included in the agenda of meetings devoted to broader purposes; staff development programs aimed at personnel responsible for governmental liaison in state director offices; and others. While some evidence exists that greater notice is being given to answering the questions posed, our observations of developments and activity in the field force the conclusion that much more action than is now evident is needed and possible.

The question appears to us to become even more critical when put before the field in its present concern about the quality of the leadership in whose hands the fate of community college education currently lies and in whose capabilities its future will be determined. A spate of books on community college leadership has appeared in the past two or three years; centers for leadership development are proliferating; studies of the attributes of leadership, its exercise, evaluation, and other elements of it are ubiquitous in university-based research centers and elsewhere. Yet, when the content of

those programs and studies is examined more closely, one discovers relatively little coverage of the subjects of interaction of leadership with public policy makers, that is, legislators and governors, and their staffs, and approaches to understanding state-level political process and similar themes. The observation raises questions about the practicality of professional development resulting from current efforts dedicated to leadership development.

A final point may raise a bothersome possibility, but one also closely connected to statements made several times in the earlier sections of this report: Is the explanation, or at least a large part of it, of the relative lack of content devoted to legislation, legislative activity, and political action found in leadership development programs that there is little knowledge about it? If the answer is even partially yes, there would be an even stronger case for the National Council of State Directors, the Penn State Center, AACJC, ACCT, and other key centers for research, development, and field improvement to strengthen action that will continue deepening the state legislation project as well as other programmatic actions related to it in purpose and substance.

What remains is an exciting opportunity: to build on what we know about policy leadership in order to construct a more comprehensive understanding of the policy environment for community college leaders. Our work--and that of many others--provides a firm foundation; our questions; in this and previous reports--presents a plan for building this knowledge.

The materials to build this knowledge are all around us--from exciting new initiatives of states and institutions, to leaders of the community college movement past and present and their insights, to organizations and institutions dedicated to enhancing the effectiveness of community college leadership. Our collective task is exciting while our challenge is a relatively easy one: <u>when</u> do we start to build community college leaders' understanding of their policy environment?

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ERIC Clearinghouse for Junior Colleges MAR 13 1992